



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/731,892

12/09/2003

Warren Douglas Sheffield

337348055US1

4677

25096

7590

04/18/2006

PERKINS COIE LLP

PATENT-SEA

P.O. BOX 1247

SEATTLE, WA 98111-1247

EXAMINER

REIDEL, JESSICA L

ART UNIT

PAPER NUMBER

3766

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/731,892

Applicant(s)

SHEFFIELD ET AL.

Examiner

Jessica L. Reidel

Art Unit

3766

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 25-71 is/are pending in the application.
- 4a) Of the above claim(s) 56-60 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10, 12, 14-16, 19-23, 25-28, 32-34, 36, 38-42, 45, 47, 49-54, 61-67 and 70 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 11, 13, 17, 18, 29-31, 35, 37, 43, 44, 46, 48, 55, 68, 69 and 71 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Acknowledgement is made of Applicant's Preliminary Amendment, which was received by the Office on October 18, 2004. Claim 24 has been cancelled. Claims 1-23 and 25-71 are pending.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-55 and 61-71, drawn to a method, classified in class 607, subclass 45.

II. Claims 56-60, drawn to a method, classified in class 600, subclass 410.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require the method steps of identifying first and second language tasks, monitoring a first image of a patient's brain function while performing the first language-based task, monitoring a second image of a patient's brain function while performing the second language-based task or the steps of comparing the first and second images to identify at least one stimulation site of the brain. The subcombination has separate utility such as use by itself or with a method that collects electrical information (i.e. EEG signals) regarding the brain's function while the patient performs a single language based task.

Art Unit: 3766

4. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

5. During a telephone conversation with John M. Wechkin on April 11, 2006 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-55 and 61-71. Affirmation of this election must be made by applicant in replying to this Office action. Claims 56-60 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Information Disclosure Statement

7. The information disclosure statement (IDS) submitted on October 18, 2004 has been acknowledged and is being considered by the Examiner.

Drawings

8. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "120" has been used to designate the "cortex of the brain", the "left side of the brain", the "right side of the brain" and the "brain". The Examiner suggests giving each part of the brain its own number, for example: the "cortex of the brain 120a", the "left side of the brain 120b", the "right side of the brain 120c" and the "brain 120".

Art Unit: 3766

9. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Specifically, reference sign “542” denoting a “plurality of electrodes” is mentioned as being a part of Fig. 6 at page 11, paragraph 35 of the specification, however, Fig. 6 lacks reference sign “542”.

10. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 19-20, 22-23, 26-27, 32, 36 and 38-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Schiff (U.S. 5,938,688). As to Claim 19, Schiff expressly discloses a method for treating a patient having impaired cognitive function comprising selecting one or

more subdivisions of the patient's intralaminar nuclei for stimulation, read as selecting a stimulation site of a patient's brain, the stimulation site being located within the patient's skull (see Schiff column 5, lines 63-67, column 6, lines 1-44, column 11, lines 39-44 and column 19, lines 1-18), positioning at least one electrode at the stimulation site (see Schiff column 5, lines 53-63 and column 19, lines 30-31), coupling the at least one electrode, via an insulated conductor, to a voltage control and pulse generator, read as a source of electrical potential (see Schiff column 6, lines 57-60) and restoring at least a portion of the cognitive function by applying electrical stimulation directly to the stimulation site via the at least one electrode (see Schiff Abstract, column 2, lines 16-23, column 4, lines 58-62 and column 18, lines 1-13).

The method of Schiff is disclosed as a general practice for treating patient's who's cognitive dysfunction is, for example, produced, at least in part, by brain injuries including stroke, head trauma, toxicological agents, anoxia, ischemia, nutritional deficiencies, developmental diseases, infections diseases, neoplastic diseases, degenerative diseases, complications thereof, or other structural lesions (see Schiff column 2, lines 61-67 and column 3, lines 1-4). It is inherent that a cognitive dysfunction typically produced by stroke is a language-based disorder. Schiff also discloses that the impaired cognitive function capable of being treated by the disclosed method can include impaired semantic information processing (i.e. impaired language processing) and that aphasia screening tests may be used to diagnose a patient having impaired semantic information processing due to stroke. It is inherent that a patient experiencing impaired semantic information processing or even a patient that displays aphasia would suffer from a language-based disorder, thus the method treats such impaired cognitive function (see Schiff column 2, lines 24-26 and column 3, lines 60-64).

Art Unit: 3766

13. As to Claim 20, Schiff discloses that positioning at least one electrode includes implanting the at least one electrode via burr holes in the skull (see Schiff column 5, lines 53-63).

14. As to Claims 22-23, Schiff discloses that the stimulation can be applied to either or both brain hemispheres (see Schiff column 12, lines 43-45).

15. As to Claim 26, the Examiner takes the position that any of the intralaminar nuclei locations chosen for the brain stimulation method of Schiff are “at least proximate” to at least one of Broca’s area, Wernicke’s area and neuronal connections extending between Broca’s area and Wernicke’s area (see Schiff Fig. 1, column 11, lines 28-67, column 12, lines 29-45, column 13, lines 42-67 and column 14. lines 1-55).

16. As to Claim 27, Schiff discloses that the cortex includes the intralaminar nuclei locations chosen for the brain stimulation (see Schiff Fig. 1, column 11, lines 28-67, column 12, lines 29-45, column 13, lines 42-67 and column 14. lines 1-55).

17. As to Claim 32, Schiff discloses that the method may further comprise administering a neuroexcitatory drug to the patient in conjunction with the electrical stimulation, read as applying the electrical stimulation while the neuroexcitatory drug is active in the patient’s body (see Schiff column 5, lines 34-52).

18. As to Claim 36, Schiff discloses that locating the stimulation site may be done relative to an anatomical feature of the patient (see Schiff column 6, lines 1-7).

19. As to Claim 38, Schiff disclose that applying an electrical stimulation includes applying a varying electrical stimulation signal having a frequency of from about 1Hz to 1kHz (see Schiff column 6, lines 53-54).

Art Unit: 3766

20. As to Claim 39, Schiff discloses that applying an electrical stimulation includes applying a varying electrical stimulation signal having an electrical potential of from about 0.1 volts to about 10 volts (see Schiff column 7, lines 1-3).

21. Claim 25 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Schiff. As discussed above, aphasia screening tests may be used to diagnose a patient having impaired semantic information processing due to stroke and that the method disclosed may be used as a general practice for treating patient's who's cognitive dysfunction is a result of stroke. It is inherent, or at least obvious to one having ordinary skill in the art at the time of the invention, that the stimulation method for improving such cognitive function applied to a patient identified via aphasia screening tests would experience reduction in aphasia upon stimulation (see Schiff column 2, lines 24-26 and 61-67 and column 3, lines 1-4 and 60-64).

22. Claims 19-20 and 26-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Stypulkowski (U.S. 6,944,497). As to Claim 19, Stypulkowski discloses a method for treating a language disorder (i.e. stuttering) of a patient comprising selecting a predetermined stimulation site of a patient's brain (see Stypulkowski Abstract and column 3, lines 29-34), the stimulation site being located within the patient's skull, positioning at least one electrode located at the distal portion of a lead 22A at the stimulation site, coupling the at least one electrode to an implantable signal generator, read as a source of electrical potential 16 (see Stypulkowski Fig. 1, column 5, lines 63-65 and column 6, lines 13-24), and at least reducing a language disorder of the patient by applying electrical stimulation directly to the stimulation site via the at least one electrode (see Stypulkowski column 3, lines 34-41, column 9, lines 61-67 and column 10, lines 1-14).

Art Unit: 3766

23. As to Claim 20, Stypulkowski expressly discloses that the stimulation electrode is implanted (see Stypulkowski Figs. 1-4, column 3, lines 29-30 and column 6, lines 13-24).

24. As to Claim 26, the Examiner takes the position that any of locations chosen for the brain stimulation method of Stypulkowski are “at least proximate” to at least one of Broca’s area, Wernicke’s area and neuronal connections extending between Broca’s area and Wernicke’s area (see Stypulkowski column 5, lines 65-67 and column 6, lines 1-9).

25. As to Claim 27, Stypulkowski discloses that the electrical stimulation includes applying an electrical stimulation to at least one of the middle temporal gyrus, the retrosplenial cortex and the retrosplenial cuneus of the brain (see Stypulkowski column 5, lines 65-67 and column 6, lines 1-9).

26. As to Claim 28, Stypulkowski discloses that the method includes engaging the patient in a language-based comprehension task while applying the electrical stimulation (see Stypulkowski Fig. 4 and column 7, lines 23-44).

Claim Rejections - 35 USC § 103

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

28. Claims 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiff. Schiff discloses that range of stimulation frequencies and intensity of stimulation will depend on, impedance of the electrode once in the brain, excitation properties of cells which may differ within subdivisions of the intralaminar nuclei, *the type of induced physiologic responses sought*

for a particular patient, and inter-individual variation [emphasis added] (see Schiff column 6, lines 45-51). Schiff discloses the claimed invention as discussed above except that it is not specified that the stimulation be applied below, at or about a level that causes movement, speech or sensation in the patient. It would have been obvious to one having ordinary skill in the art at the time the invention was made to stimulate the patient with stimulation below, at or about a level that causes movement, speech or sensation in the patient, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering an optimum value of a result effective variable involves only routine skill in the art.

29. Claims 1-6, 12, 14-16, 21, 40-41, 47, 49-54 and 61-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiff in view of McDermott (U.S. 2004/0082847). As to Claims 1-2, 6, 21, 40-41, 61-64 and 66, Schiff discloses the claimed invention as discussed above except that the method does not further comprise directing the patient to perform a language based task including directing the patient to perform a task that requires no verbal output, directing information to be collected corresponding to a level of neural activity in the patient's brain while the patient performs the language based task and selecting the stimulation site based at least in part on the information.

McDermott, however, discloses a method of identifying one or more language regions in the brain of a subject. The method includes directing the patient to perform a language based task including directing the patient to perform a task that requires no verbal output, directing information to be collected corresponding to a level of neural activity in the patient's brain while the patient performs the language based task and locating and/or identifying one or more language regions in the brain based at least in part on the information (see McDermott Abstract

Art Unit: 3766

and page 2, paragraphs 16-25). McDermott also discloses that although the method is typically used in conjunction with surgery, the invention may be practiced in a variety of surgical and non-surgical environments in which it may be desirable to locate brain regions that support language (see McDermott page 1, paragraphs 6 and 15). In addition Schiff discloses that it is preferable to identify the subdivision of the brain that modulates the specific cognitive function that is impaired in the patent to be treated with electrical stimulation for electrode placement via microelectrode and micro stimulation mapping techniques (see Schiff column 5, lines 63-67, column 6, lines 1-44 and column 11, lines 39-44). McDermott discloses that it is desirable to use such functional MRI techniques for pre-operative language area mapping so that surgical electrical stimulation mapping might be avoided. McDermott further discloses that the methods disclosed utilizing such functional MRI techniques to identify the language areas of the brain are more precise than invasive techniques known in the art (see McDermott page 1, paragraph 6). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Schiff in view of McDermott to include directing the patient to perform a language based task including directing the patient to perform a task that requires no verbal output, directing information to be collected corresponding to a level of neural activity in the patient's brain while the patient performs the language based task and selecting the stimulation site based at least in part on the information in order to precisely identify the subdivision of the brain that modulates the specific cognitive function (such as language) that is impaired in the patient to be treated with the electrical stimulation.

30. As to Claim 3, Schiff discloses that the cortex includes the intralaminar nuclei locations chosen for the brain stimulation (see Schiff Fig. 1, column 11, lines 28-67, column 12, lines 29-45, column 13, lines 42-67 and column 14, lines 1-55).

31. As to Claim 4, the Examiner takes the position that any of the intralaminar nuclei locations chosen for the brain stimulation method of Schiff are “at least proximate” to at least one of Broca’s area, Wernicke’s area and neuronal connections extending between Broca’s area and Wernicke’s area (see Schiff Fig. 1, column 11, lines 28-67, column 12, lines 29-45, column 13, lines 42-67 and column 14, lines 1-55).

32. As to Claim 5, the Examiner takes the position that any of the intralaminar nuclei locations chosen for the brain stimulation of Schiff are “at least proximate” to at least one of the middle temporal gyrus, the retrosplenial cortex and the retrosplenial cuneus of the brain (see Schiff Fig. 1, column 11, lines 28-67, column 12, lines 29-45, column 13, lines 42-67 and column 14, lines 1-55).

33. As to Claim 47, Schiff discloses that the method may further comprise administering a neuroexcitatory drug to the patient in conjunction with the electrical stimulation, read as applying the electrical stimulation while the neuroexcitatory drug is active in the patient’s body (see Schiff column 5, lines 34-52).

34. As to Claims 14 and 49, McDermott discloses that directing information to be collected includes directing a computer-based routine to collect and process the information (see McDermott page 3, paragraph 32 and page 4, paragraph 39).

35. As to Claims 15 and 50, McDermott further discloses that the method includes directing the formation of an image of at least a portion of the patient’s brain, with at least a portion of the

Art Unit: 3766

image having features representative of the information (see McDermott Figs. 2-5 and page 4, paragraphs 40-46).

36. As to Claims 16 and 51, McDermott discloses that two types of language function may be shown on an fMRI brain scan. With reference to McDermott Fig. 2, row 30 depicts differences in activity for the two list types at row 130 and row 230. The image includes a first region with a characteristic of the first region having a first value (regions preferentially active for the phonological task) and a second region with a characteristic of the second region having a second value different than the first value (regions preferentially active for the semantic task) (see McDermott Fig. 2 and page 4, paragraph 46).

37. As to Claim 52, McDermott discloses that functional images are collected with an asymmetric spin-echo planar sequence sensitive to blood-oxygen-level-dependant (BOLD) contrast (see McDermott page 2, paragraph 23).

38. As to Claims 12, 63 and 65, Schiff discloses that positioning at least one electrode includes implanting the at least one electrode via burr holes in the skull at least proximate to the stimulation site and applying an electrical stimulation includes applying an electrical signal to the at least one electrode via a voltage control and pulse generator (see Schiff column 5, lines 53-63 and column 6, lines 45-65).

39. As to Claim 54, Schiff discloses that it is preferable to identify the subdivision of the brain that modulates the specific cognitive function that is impaired in the patent to be treated with electrical stimulation for electrode placement via microelectrode and micro stimulation mapping techniques (see Schiff column 5, lines 63-67, column 6, lines 1-44 and column 11, lines 39-44).

Art Unit: 3766

40. Claims 7, 10, 42, 45, 67 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schiff in view of McDermott as applied to claims 1, 40 and 61 above, and further in view of Cao (“Cortical Language Activation in Stroke Patients Recovering from Aphasia with Functional MRI” *Journal of the American Heart Association* 1999). Applicant differs from Schiff in view of McDermott in that the functional MRI technique to locate the areas of language in the brain does not comprise directing the patient to silently generate a verb associated with a common noun or to retrieve a word based on a visual cue. The Examiner considers these language-based tasks for functional MRI techniques to be conventional with Cao being but one example (see Cao page 2332, column 2).

Double Patenting

41. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

42. Claims 61-63 and 65 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims of U.S. Patent No. 6,959,215. Although the conflicting claims are not identical, they are not patentably distinct from each other because the current claims are either an obvious broadening of the scope of the patented claims or an obvious variant thereof.

Allowable Subject Matter

43. Claims 8-9, 11, 13, 17-18, 29-31, 35, 37, 43-44, 46, 48, 55, 68-69 and 71 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

44. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Firlik et al. (U.S. 7,010,351) discloses a method for treating an intended neural dysfunction which includes identifying a stimulation site at a location of the brain where

Art Unit: 3766


intended neural activity is present, positioning at least one electrode at the identified stimulation site and applying an electrical current between the one electrode and at least one other electrode.


45. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica L. Reidel whose telephone number is (571) 272-2129.

The examiner can normally be reached on Mon-Thurs 8:00-5:30, every other Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jessica L. Reidel
Examiner
Art Unit 3766
04/14/06


MARK BOCKELMAN
PRIMARY EXAMINER